

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

GARY MATTINGLY, )  
                        )  
Plaintiff,           ) Case No.:  
v.                    )  
                        )  
MILLER TRANSPORTERS, INC., )  
d/b/a MILLER TRANSPORTERS, )  
                        )  
and                    )  
                        )  
DERYEL ROLLINS,     )  
                        )  
Defendants.          )

**NOTICE OF REMOVAL**

COME NOW Defendants, Miller Transporters, Inc., d/b/a Miller Transporters and Deryel Rollins, by and through their attorneys, Roberts Perryman, P.C., and hereby files its Notice of Removal stating the following:

**INTRODUCTION**

1. A civil action has been commenced and is now pending the Circuit Court of St. Louis County, State of Missouri, Case No. 19SL-CC05634, wherein Gary Mattingly is the Plaintiff and Miller Transporters, Inc., d/b/a Miller Transporters and Deryel Rollins are the Defendants.

2. This action is a civil action wherein Plaintiff has made claims for damages as a result of Defendants' alleged negligence in connection with a motor vehicle accident that allegedly occurred on May 15, 2017.

3. Defendant Miller Transporters, Inc., d/b/a Miller Transporters has been served with Plaintiff's Petition and consents to removal.

4. Defendant Deryel Rollins has been served with Plaintiff's Petition and consents to removal.

**DIVERSITY OF CITIZENSHIP EXISTS**

5. This action is a civil action, of which the United States District Courts have original jurisdiction pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, and this is a civil action proceeding involving diversity of citizenship.

6. Plaintiff Gary Mattingly is a citizen of the State of Missouri.

7. Defendant Miller Transporters, Inc., d/b/a Miller Transporters is a Delaware corporation with its principal place of business in Mississippi.

8. Defendant Deryel Rollins is a citizen of the State of Texas.

**THE AMOUNT IN CONTROVERSY HAS BEEN SATISFIED**

9. The amount in controversy exceeds \$75,000.00 exclusive of interest and costs. Because this is a personal injury action where Plaintiff claims damages for personal injuries, temporary disablement and disability, bills for medical care and treatment including a surgery disc replacement in the amount of **\$223,302.00**, and *future* medical treatment, Defendant believes the amount in controversy shall exceed the minimum jurisdictional amount, whereas the amount in controversy requirement is satisfied.

**NOTICE OF REMOVAL IS TIMELY**

10. Less than thirty (30) days have elapsed since receipt of said initial pleadings by Defendant, Miller Transporters, Inc., d/b/a Miller Transporters.

11. Defendant Deryel Rollins has been served with Plaintiff's Petition and has consented to this removal. Defendant has filed Rollins' Consent with its removal papers.

12. Defendants file herewith a copy of all process, pleadings, and order served upon it in this action. See *Exhibit A*.

WHEREFORE, Defendants, Miller Transporters, Inc., d/b/a Miller Transporters and Deryel Rollins pray the Court to accept their Notice for Removal, and make and enter such orders as may be necessary to effect the complete removal of this action from the Circuit Court of St. Louis County, State of Missouri, to the United States District Court for the Eastern District of Missouri, and that further proceedings be discontinued in the State Court and all future proceedings be held in this Court, as the laws in such case provide.

Respectfully submitted,

ROBERTS PERRYMAN, P.C

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing has been filed upon the Court's electronic filing system this 24th day of January, 2020 to:

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